UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,920	02/07/2001	Jacques Dumas	BAYER 15 P3	6183
23599 7590 07/01/2010 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD.			EXAMINER	
			DESAI, RITA J	
SUITE 1400 ARLINGTON, VA 22201			ART UNIT	PAPER NUMBER
		1625		
			NOTIFICATION DATE	DELIVERY MODE
			07/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mwzb.com

		Application No.	Applicant(s)			
Office Action Summary		09/777,920	DUMAS ET AL.			
		Examiner	Art Unit			
		Rita J. Desai	1625			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) 又	Responsive to communication(s) filed on 23 Ap	oril 2010				
· · ·	This action is FINAL . 2b) ☐ This action is non-final.					
3)□	/					
٥/١	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
	closed in accordance with the practice under Ex pane Quayle, 1955 C.D. 11, 455 O.G. 215.					
Dispositi	on of Claims					
4)🛛	I)⊠ Claim(s) <u>2,4,5,12,15,16,25,27,34-37,39,40,42 and 45-47</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)	5) Claim(s) is/are allowed.					
	6)⊠ Claim(s) <u>2,4,5,12,15,16,25,27,34-37, 39, 40,42 and 45-47</u> is/are rejected.					
7)						
8)	· <u> </u>					
Application Papers						
9)□	The specification is objected to by the Examine					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
	· ·		(4) (5)			
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 						
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4)				
3) 🔲 Inform	r No(s)/Mail Date	5) Notice of Informal Po				

Application/Control Number: 09/777,920

Art Unit: 1625

DETAILED ACTION

Claims 2, 4,5,12, 15, 16, 25, 27, 34-37, 39, 40, 42, 45-47 are pending.

Response to the Arguments

The rejection under 35 USC 103 over Atwal has been withdrawn as applicants arguments are convincing.

The ODP rejection over US 7371763 and co-pending application 11/932269 still stands.

Applicants argue that the co-pending application and US'763 both have provisos that do not include compounds with the C=ORx group.

The provisos is given by very ambiguous words.

It can be read as the Ra and rb is not a moiety with 24 carbon atoms, optionally containing heteroatoms. This does not exclude the compounds of this invention.

Thus the examiner has maintained both the ODP's.

Page 3

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday, flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/777,920 Page 4

Art Unit: 1625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rita J. Desai/ Primary Examiner, Art Unit 1625

June 25, 2010.